



Docket No. BIO-131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Assaf Govari

Serial No. : 09/882,127

Art Unit: 3737

Filed : June 15, 2001

Examiner: Devaang Shah

For : MEDICAL DEVICE WITH POSITION SENSOR HAVING ACCURACY
AT HIGH TEMPERATURES

RECEIVED

Office of Petitions
Washington, D.C. 20231

DEC 03 2002

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DECLARATION

I, Louis J. Capezzuto, declare as follows:

1. That I am the attorney of record for Application Serial No. 09/882,127 filed on June 15, 2001.
2. That a Notice of Allowance was sent to us on October 8, 2002 and the Issue Fee for the Application was timely paid on November 4, 2002.
3. That after payment of Issue Fee, a Search Report and references from the European Patent Office relating to a counterpart European Patent application for the above-identified U.S. Patent Application was brought to my attention.
4. That withdrawal of the Application from issue is necessary to allow submission of an RCE application in order for these references as part of an Information Disclosure Statement to be considered.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A handwritten signature in black ink, appearing to read 'Louis J. Capezzuto', is written over a horizontal line.

Louis J. Capezzuto
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Date: November 27, 2002
Johnson & Johnson
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